

ORDINANCE 2019-18

AN ORDINANCE OF THE CITY COUNCIL OF THE CHARTERED CITY OF VISTA, CALIFORNIA AMENDING CHAPTERS 18.02 AND 18.06 OF THE VISTA DEVELOPMENT CODE WITH RESPECT TO CANNABIS USES AND OTHER MATTERS

The City Council of the City of Vista does ordain as follows:

1. Findings. The City Council hereby finds and declares all of the following:

A. This ordinance is enacted by the City Council pursuant to its authority under the Charter of the City of Vista and Article 11, Section 7 of the California Constitution

B. The City Council intends that this ordinance be construed and applied in a manner that is consistent with state law, Chapter 5.94 of the Vista Municipal Code, other local enactments, and all voter-approved measures.

C. The City Council finds and determines that the adoption of this ordinance qualifies for an exemption from the California Environmental Quality Act pursuant to 14 CCR § 15061(b)(3), and directs that a Notice of Exemption be filed with the Office of Planning and Research.

2. Code Amendment.

A. Section 18.02.055 is amended to add paragraph C to read as follows:

“C. An accessory use does not include any use which would constitute, produce, or result in a violation of state or local law, including those relating to cannabis.”

B. Section 18.02.107 is added to read as follows:

“Section 18.02.107 Authorized Cannabis Use

“**Authorized cannabis use**” means a cannabis use which: (1) holds a current and valid local cannabis license, special use permit (if required by local ordinance), and a state license for its operations, facilities and premises; and (2) operates in compliance with all applicable state laws, state regulations, local ordinances, local regulations, local permits and applicable licensing or permitting conditions.

C. Section 18.02.186 is added to read as follows:

“Section 18.02.186 Cannabis

“**Cannabis**” means all parts of the Cannabis plant whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or its resin, irrespective of its form. The term "cannabis" includes all physical products, compounds,

elements, and materials within the definition of "Cannabis" found in Section 19300.5 of the California Health and Safety Code, subject to the exclusions set forth therein.

- D. Section 18.02.188 is added to read as follows:

"Section 18.02.188 Cannabis Use

"Cannabis use" means any primary or accessory use of a building, structure, facility, premise, land or location involving any one or more of the following: the provision, conveyance, distribution, delivery, dispatch, cultivation, sale (whether wholesale or retail), storage, laboratory testing, labeling, processing, preparation, manufacture marijuana or other commercial cannabis activity."

- E. Section 18.02.382 is added to read as follows:

"Section 18.02.382 Local Cannabis License

"Local cannabis license" means any of the following: (1) a notice of completed registration issued for a medical cannabis business pursuant to Chapter 5.94, whether or not paired with a delivery license pursuant to Chapter 5.96; (2) a cannabis testing facility licensed pursuant to Chapter 5.98; (3) a cannabis distribution facility licensed pursuant to Chapter 5.98; and (4) a cannabis manufacturing facility licensed pursuant to Chapter 5.98.

- F. Section 18.02.696 is added to read as follows:

"Section 18.02.696 Unauthorized Cannabis Use

"Unauthorized cannabis use" means any cannabis use other than an authorized cannabis use.

- G. The following Sections are hereby deleted: 18.02.446A, 18.02.446B and 18.02.448.

- H. Section 18.06.100 is amended to designate the existing paragraph as Paragraph A, and to add the following paragraph B:

"B. Under no circumstances will a use or an accessory use be classified as a lawful, permitted, special, or conditional use under this Code if its maintenance or operation would constitute, produce, or result in a violation of State or local laws, including those relating to cannabis.

[Continued on page 3.]

- I. Section 18.06.107 is added to read as follows:

“Section 18.06.107 Unauthorized Cannabis Uses Prohibited Throughout City

A. Unauthorized cannabis uses are prohibited throughout the city whether the use is conducted as a primary or accessory use.

B. It shall be unlawful for any person or entity to allow, establish, own, operate, engage in, manage or maintain an unauthorized cannabis use anywhere in the city.

C. It shall be unlawful for any person or entity to lease or rent any building, structure, facility, premises, land or location for an unauthorized cannabis use.

D. No administrative procedure, including those found in section 18.58.030 among others, was intended or is available to expand the expressly listed uses allowed in a zoning classification to include or accommodate an unauthorized cannabis use, whether as a primary or accessory use.”

E. The prohibitions of this section apply to all specific plans in the City, including any plans purporting to prevail over the Vista Development Code in the event of a conflict.”

3. Moratorium. The City Council approved a moratorium on certain cannabis-related uses by adopting the Ordinance No. 2018-19, and subsequently extending that moratorium through the adoption of Urgency Ordinances No 2019-04 and No. 2019-17 (collectively “Moratorium”). On the date this Ordinance takes legal effect, the Moratorium shall be of no further force or effect.

4. Severability. If any word, sentence, paragraph, or other portion of this ordinance is deemed to be invalid or unenforceable for any reason by a court of competent jurisdiction, the City Council declares its intent that all remaining words, sentences, paragraphs or portions of the ordinance not held to be invalid or unenforceable shall remain in full force and effect, and shall be so construed, as if the original ordinance did not contain the invalid or unenforceable language.

5. Effective Date. This Ordinance shall be in full force and effect on the thirty-first day following the date of its adoption

[Continued on page 4.]

6. Adoption. INTRODUCED and ADOPTED at a meeting of the City Council of the City of Vista held on December 10, 2019, by the following vote:

AYES: Mayor Ritter, Rigby, Franklin, Green, Contreras

NOES: None

ABSTAIN: None

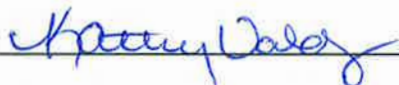


JUDY RITTER, MAYOR

APPROVED AS TO FORM:
DAROLD PIEPER, CITY ATTORNEY

ATTEST:
KATHY VALDEZ, CITY CLERK

By: 

By: 

APPROVED
Darold Pieper
20191125102038

CERTIFICATION

I, Kathy Valdez, City Clerk of the City of Vista, California, certify that I caused the foregoing Ordinance No. 2019-18 to be posted on December 12, 2019, at the following locations within the City of Vista: 1) the Reference Desk of the Vista Branch of the San Diego County Public Library, 700 Eucalyptus Avenue; 2) the Lobby Counter at the Gloria E. McClellan Senior Center, 1400 Vale Terrace Drive; and 3) the City Clerk's Office, 200 Civic Center Drive.

A handwritten signature in blue ink that reads "Kathy Valdez". The signature is written in a cursive style.

Kathy Valdez, City Clerk